

08/7/23
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 Chambers of Vincent L. Briccetti

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X
 UNITED STATES OF AMERICA :
 :
 v. :
 :
 DORIAN BYRD, :
 Defendant. :
 -----X

ORDER

20 CR 517-2 (VB)
 21 CR 441-2 (VB)

Having considered the government's August 4, 2023, letter in opposition to defendant's motion for a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(2), the motion is DENIED WITHOUT PREJUDICE.

Defendant's motion—which is based on a proposed amendment to the U.S. Sentencing Guidelines—is premature. The effective date of the proposed amendment is November 1, 2023, assuming Congress does not modify or disapprove the amendment. Moreover, even if the proposed amendment results in a lower sentencing range for defendant, in deciding whether to reduce defendant's sentence pursuant to Section 3582(c)(2), the Court is required to consider the factors set forth in 18 U.S.C. § 3553(e) "to the extent that they are applicable." Thus, it would be premature for the Court to decide now whether the proposed amendment will result in a lower sentencing range and, if so, whether a reduced sentence would be appropriate in view of the Section 3553(a) factors.

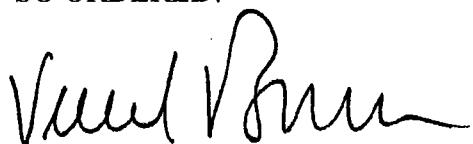
If and when the proposed amendment goes into effect, defendant may re-file his motion.

Chambers will mail a copy of this Order to defendant at the following address:

Dorian Byrd, Reg. No. 06420-509
 FCI Beckley
 Federal Correctional Institution
 P.O. Box 350
 General & Legal Mail
 Beaver, WV 25813

Dated: August 7, 2023
 White Plains, NY

SO ORDERED:



Vincent L. Briccetti
 United States District Judge